

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

CATHERINE WILL, et al.,

Defendants.

No. C05-1922P

ORDER OF CONSOLIDATION

This order is to be filed in case numbers C05-1922P, C05-1923P, C05-1924P, C05-1925P, C05-1926P, C05-1927P, and C05-1928P. The Court previously issued an order to show cause why all of these cases should not be consolidated pursuant to Fed. R. Civ. P. 42(a). The defendants in case numbers C05-1922P and C05-1928P filed objections to consolidation. Having reviewed the responses to the order to show cause and the balance of the records in these cases, the Court finds and ORDERS as follows:

(1) Notwithstanding the objections filed by some defendants, the Court finds that consolidation of case numbers C05-1922P through C05-1928P is warranted. All of these cases present common issues of fact or law, and consolidation would advance judicial economy and permit more efficient case management.

Therefore, the following actions are hereby CONSOLIDATED for all pre-trial proceedings pursuant to Fed. R. Civ. P. 42(a):

<u>Case Name</u>	<u>Case Number</u>
Microsoft v. Will	C05-1922P
Microsoft v. Hesson	C05-1923P
Microsoft v. Baker	C05-1924P
Microsoft v. Ngo	C05-1925P
Microsoft v. Ham	C05-1926P
Microsoft v. Huh	C05-1927P
Microsoft v. Mitchell	C05-1928P

As the Court noted in its order to show cause, the parties in several of these matters have consented to proceed before a Magistrate Judge. However, the Court finds that all of the cases listed above should remain assigned to the undersigned judge for the sake of judicial economy.

(2) The caption of these consolidated actions shall be “In re Microsoft Partner Program Litigation” and the files of these consolidated actions shall be maintained in one file under case number C05-1922P. All future pleadings filed in these consolidated actions shall be filed under case number C05-1922P and shall bear the following caption:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re MICROSOFT PARTNER PROGRAM
LITIGATION

No. C05-1922P

This Document Relates To:

[_____]

1 When a pleading is intended to apply to all of the consolidated actions, the words "All
2 Actions" shall appear immediately after the words "This Document Relates To" in the caption set out
3 above. When a pleading is only intended to apply to one of the consolidated actions, the case number
4 that was initially assigned to that case and the last name of the first defendant named in that case shall
5 appear immediately after the words "This Document Relates To." By way of example, a pleading that
6 is intended to be applicable only in Microsoft v. Hesson (a case originally assigned case number C05-
7 1923P) would state "This Document Relates To: C05-1923P (Hesson)".

8 (3) The Court will issue a case scheduling order that will govern all the consolidated
9 actions. The case scheduling order will specify a single trial date for all cases. However, it is not the
10 Court's intent at this time to order consolidation of all cases for trial. The question of whether two or
11 more of these actions should be consolidated for trial, as well as the sequence in which the cases
12 should be tried, may be addressed after the close of discovery.

13 (4) The clerk is directed to send copies of this order to all counsel of record and all pro se
14 parties.

15 Dated: April 12, 2006

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17 s/Marsha J. Pechman
18 Marsha J. Pechman
19 United States District Judge
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